

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.: \_\_\_\_\_/19

-----X  
JOHN DOE,*Plaintiff,*Plaintiffs designate  
BRONX COUNTY  
as place of trial.

-against -

ARCHDIOCESE OF NEW YORK and ST.  
MARGARET MARY ROMAN CATHOLIC  
CHURCH,*Defendants.*  
-----XThe basis of venue is  
Plaintiff's residence addressSUMMONSPlaintiff resides in Bronx  
County

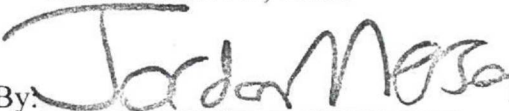
To the above-named defendants:

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case your failure to appear or answer, judgement will be taken for the relief demanded herein.

**A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT, BRONX COUNTY ON \_\_\_\_\_ IN COMPLIANCE WITH CPLR §§305(a) AND 306(a).**

Dated: New York, New York  
August 22, 2019

MERSON LAW, PLLC

By: Jordan K. Merson  
Attorneys for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100

TO:  
**ARCHDIOCESE OF NEW YORK**  
1011 1<sup>st</sup> Avenue  
New York, NY 10022

**ST. MARGARET MARY ROMAN CATHOLIC CHURCH**  
1914 Morris Ave.  
Bronx, NY 10453-5904

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Index No.: \_\_\_\_\_/19

-----X  
JOHN DOE,*Plaintiff,*

-against -

**VERIFIED  
COMPLAINT**ARCHDIOCESE OF NEW YORK and ST.  
MARGARET MARY ROMAN CATHOLIC CHURCH,*Defendants.*-----X  
Plaintiff(s), above named, complaining of the defendants, by **MERSON LAW,**  
**PLLC.**, respectfully allege(s):**NATURE OF THE CLAIM**

1. This is a case of a sexual predator, Father John Doe being permitted to sexually abuse young children at church by the Archdiocese of New York (the "Diocese").
2. Father Doe was a priest at St. Margaret Mary Roman Catholic Church (the "Church") in Cortland, New York which was part of the Diocese. Father Doe was known among the community and the children as a sexual predator.
3. Despite the Diocese's knowledge that Father Doe sexually abused children and/or had the propensity to sexually abuse children, the Diocese allowed Father Doe unfettered access to children.
4. Beginning in approximately 1973 and continuing until about 1974, while under the scope of employment with the Diocese and while acting on behalf of the Diocese, Father Doe would enter the Church prep room where the altar boys would change into their gowns and fondle and grab plaintiff's genitals. Mr. Doe was sexually abused by Father John Doe approximately 4 times.

5. Mr. Doe brings this lawsuit to recover for the emotional and physical suffering he incurred because of the negligence of the Archdiocese of New York and St. Margaret Mary Roman Catholic Church and to make sure no other child is forced to suffer the abuse and physical and mental trauma he felt and continues to feel.

**PARTIES**

6. At all times herein mentioned defendant **ARCHDIOCESE OF NEW YORK** was a not for profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
7. At all times herein mentioned, defendant **ARCHDIOCESE OF NEW YORK** was located at 1011 1<sup>st</sup> Avenue, New York, New York 10022.
8. At all times herein mentioned, Father Doe was a priest operating under the direction and control of defendant **ARCHDIOCESE OF NEW YORK**, and its agents, servants and/or employees.
9. At all times herein mentioned, Father Doe was an agent, servant and/or employee of defendant **ARCHDIOCESE OF NEW YORK**.
10. At all times herein mentioned defendant **ST. MARGARET MARY ROMAN CATHOLIC CHURCH** was a not for profit corporation incorporated in the State of New York and by virtue of the laws of the State of New York.
11. At all times herein mentioned, defendant **ST. MARGARET MARY ROMAN CATHOLIC CHURCH** was located at 1914 Morris Ave. Bronx, New York 10453-5904.
12. At all times herein mentioned, Father Doe was a priest operating under the direction and control of defendant **ST. MARGARET MARY ROMAN CATHOLIC CHURCH**, and its agents, servants and/or employees.



13. At all times herein mentioned, Father Doe was an agent, servant and/or employee of defendant **ST. MARGARET MARY ROMAN CATHOLIC CHURCH**.
14. At all times herein mentioned, Defendants **ARCHDIOCESE OF NEW YORK** and the **ST. MARGARET MARY ROMAN CATHOLIC CHURCH**, were agents, servants, employees and/or alter egos of each other.

**FACTS OF THE CASE**

15. Defendants **ARCHDIOCESE OF NEW YORK's** and **ST. MARGARET MARY ROMAN CATHOLIC CHURCH's** negligence and recklessness allowed, caused, encouraged and/or permitted Father Doe have access to children, including on Diocese premises, despite its knowledge that Father Doe sexually abused children and/or had the propensity to do so, and therefore is responsible for the injuries that Plaintiff incurred because but for Defendants **ARCHDIOCESE OF NEW YORK's** and **ST. MARGARET MARY ROMAN CATHOLIC CHURCH's** negligence, Plaintiff would not have suffered the mental and physical anguish inflicted by Father Doe. Defendants **ARCHDIOCESE OF NEW YORK's** and **ST. MARGARET MARY ROMAN CATHOLIC CHURCH's** gross negligence, reckless, wanton, and/or willful conduct warrants punitive liability.
16. Father Doe sexually assaulted Mr. Doe and many other young children and patrons of at defendant **ST. MARGARET MARY ROMAN CATHOLIC CHURCH** in Cortland, New York and other places. Nonetheless, defendants **ARCHDIOCESE OF NEW YORK** and **ST. MARGARET MARY ROMAN CATHOLIC CHURCH** failed to remove Father Doe from his position as a priest or to take any steps to keep the dangerous predator away from children. In fact, the Diocese continued to allow, encourage and/or permit Father Doe to have unfettered access to children.

17. In the **ST. MARGARET MARY ROMAN CATHOLIC CHURCH** prep room where Mr. Doe would change into his altar boy gown alone, Father John Doe would fondle, grab and grope Mr. Doe's genitals. Mr. Doe was approximately 11 years old.
18. Father John Doe sexually abused Mr. Doe approximately four times.
19. Mr. Doe felt horrified, ashamed and disgusted, but obliged because of Father Doe's role as a priest.
20. Father Doe manipulated Mr. Doe and other boys not to disclose his predatory behavior, using his position of authority as a priest provided to him by the Diocese.
21. As a result of the actions of Father Doe, Mr. Doe felt and continues to feel ashamed, embarrassed and humiliated. Mr. Doe had endured and continues to suffer severe emotional distress due to the Diocese's negligence.
22. As such, Plaintiff suffered catastrophic and lifelong injuries as a result of defendants **ARCHDIOCESE OF NEW YORK's** and **ST. MARGARET MARY ROMAN CATHOLIC CHURCH's** negligence in failing to protect the children of its parish in locis parentis, and of its community safe from Father Doe despite the Diocese having knowledge that Father Doe sexually abused children and/or had the propensity to sexually abuse children, and/or allowing Father Doe to continue to have his role and position of authority and power, and the Diocese failed to adequately supervise Father Doe.

**AS AND FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE**

**AS FOR THE ARCHDIOCESE OF NEW YORK**

23. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 22., inclusive, with the same force and effect as if hereinafter set forth at length.

24. At all times mentioned herein, defendant **ARCHDIOCESE OF NEW YORK** owed a duty of care to keep the children of its parishes safe, including plaintiff, from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the Plaintiff, including but not limited to in locis parentis, and they had a duty to supervise Father Doe.
25. At all times mentioned herein, defendant **ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted repeatedly.
26. As a result of the negligence of defendant **ARCHDIOCESE OF NEW YORK** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
27. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.
28. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
29. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
30. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A SECOND CAUSE OF ACTION FOR NEGLIGENCE**

**AS FOR ST. MARGARET MARY ROMAN CATHOLIC CHURCH**

31. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 30., inclusive, with the same force and effect as if hereinafter set forth at length.

32. At all times mentioned herein, defendant **ST. MARGARET MARY ROMAN CATHOLIC CHURCH** owed a duty of care to keep the children of its parishes safe, including plaintiff, from sexual abuse by its clergymen under its supervision and control, including on company premises, that ultimately befell the Plaintiff, including but not limited to in locis parentis, and they had a duty to supervise Father Doe.
33. At all times mentioned herein, defendant **ST. MARGARET MARY ROMAN CATHOLIC CHURCH** and/or its agents, servants and/or employees breached the above-stated duty in a negligent, reckless, willful and wanton manner, and caused Plaintiff to be sexually assaulted repeatedly.
34. As a result of the negligence of defendant **ST. MARGARET MARY ROMAN CATHOLIC CHURCH** and/or its agents, servants and/or employees, plaintiff was caused serious personal injuries, emotional distress, mental pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
35. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.
36. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
37. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
38. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A THIRD CAUSE OF ACTION**

**FOR NEGLIGENT HIRING, RETENTION AND SUPERVISION**

**AS FOR THE ARCHDIOCESE OF NEW YORK**



39. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 38., inclusive, with the same force and effect as if hereinafter set forth at length.
40. Defendant **ARCHDIOCESE OF NEW YORK**, had a duty to supervise and prevent known risks of harm to patrons of its parishes by its clergymen.
41. Defendant was negligent in hiring, retaining and supervising their personnel, such as Father John Doe, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials who should have properly been supervising the priests to ensure the safety of the children of the parishes.
42. Defendant **ARCHDIOCESE OF NEW YORK** knew or should have known that Father John Doe sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it, and in fact, continued to allow him to do so without any supervision.
43. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
44. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.
45. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
46. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
47. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENT HIRING,  
RETENTION AND SUPERVISION AS FOR ST. MARGARET MARY ROMAN  
CATHOLIC CHURCH**

48. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 47., inclusive, with the same force and effect as if hereinafter set forth at length.
49. Defendant **ST. MARGARET MARY ROMAN CATHOLIC CHURCH**, had a duty to supervise and prevent known risks of harm to patrons of its parishes by its clergymen.
50. Defendant was negligent in hiring, retaining and supervising their personnel, such as Father John Doe, who were careless, unskillful, negligent, reckless and acted in a willful and wanton manner in not possessing the requisite knowledge and skill of priests and church officials who should have properly been supervising the priests to ensure the safety of the children of the parishes.
51. Defendant **ST. MARGARET MARY ROMAN CATHOLIC CHURCH** knew or should have known that Father John Doe sexually abused and/or had the propensity to sexually abuse children and did nothing to stop it, and in fact, continued to allow him to do so without any supervision.
52. As a result of such negligent hiring, supervising and retention, Plaintiff was caused to suffer serious personal injuries, emotional distress, conscious pain and suffering, mental anguish and/or physical manifestations thereof, and other losses, all of which have not as of yet been ascertained.
53. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.
54. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.

55. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
56. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE FIFTH CAUSE OF ACTION**

**FOR NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

**AS FOR THE ARCHDIOCESE OF NEW YORK**

57. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 56., inclusive, with the same force and effect as if herein set forth at length.
58. Defendant **ARCHDIOCESE OF NEW YORK** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Father John Doe, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
59. Defendant **ARCHDIOCESE OF NEW YORK** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
60. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Father John Doe.
61. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Father John Doe sexually abusing Plaintiff.
62. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.

63. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
64. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
65. This action falls within exceptions to Article 16 of the C.P.L.R.

**AS AND FOR THE SIXTH CAUSE OF ACTION FOR NEGLIGENT INFLICTION OF**  
**EMOTIONAL DISTRESS AS FOR ST. MARGARET MARY**  
**ROMAN CATHOLIC CHURCH**

66. Plaintiff repeats, reiterates and realleges each and every allegation contained in those paragraphs of this Complaint marked and designated 1. through 65., inclusive, with the same force and effect as if herein set forth at length.
67. Defendant **ST. MARGARET MARY ROMAN CATHOLIC CHURCH** and their agents, servants and/or employees, knew or reasonably should have known that the failure to properly advise, supervise and hire Father John Doe, the priest who sexually abused Plaintiff, would and did proximately result in physical and emotional distress to Plaintiff.
68. Defendant **ST. MARGARET MARY ROMAN CATHOLIC CHURCH** and their agents, servants and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.
69. Defendant has the power, ability, authority and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Father John Doe.
70. Despite said knowledge, power and duty, defendant negligently failed to act so as to stop, prevent, and prohibit the improper conduct that resulted Father John Doe sexually abusing Plaintiff.



71. By reason of the foregoing, Plaintiff is entitled to compensatory damages from defendant in such sums as a jury would find fair, just and adequate.
72. By reason of the foregoing, Plaintiff is entitled to punitive damages from defendant in such sums as a jury would find fair, just and adequate.
73. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.
74. This action falls within exceptions to Article 16 of the C.P.L.R.

WHEREFORE, plaintiff demands judgement against defendant in such sum as a jury would find fair, adequate and just.

Dated: New York, New York  
August 22, 2019

MERSON LAW, PLLC

By: 

Jordan K. Merson  
Attorney for Plaintiff  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Floor  
New York, New York 10155  
(212) 603-9100



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONXIndex No.:  
\_\_\_\_\_/19

JOHN DOE,

*Plaintiff,*

-against -

**ATTORNEY  
VERIFICATION**ARCHDIOCESE OF NEW YORK and ST.  
MARGARET MARY ROMAN CATHOLIC CHURCH,*Defendants.*

-----X

JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm MERSON LAW, PLLC., attorneys for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the file.

That the reason this verification is made by affirmant and not by the plaintiff is that the plaintiff is not within the County where the attorney has his office.

Dated: New York, New York  
August 22, 2019

  
JORDAN K. MERSON

Index No.

Year 2019

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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JOHN DOE,

*Plaintiff,*

*- against -*

ARCHDIOCESE OF NEW YORK and ST. MARGARET MARY  
ROMAN CATHOLIC CHURCH

*Defendant(s),*

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SUMMONS AND VERIFIED COMPLAINT

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Merson Law, PLLC.

*Attorneys for Plaintiff(s)*

*Office and Post Office Address, Telephone*  
150 East 58<sup>th</sup> Street 34<sup>th</sup> Fl.  
New York, New York 10155  
(212) 603-9100

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To: All Parties

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